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8/20



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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August 19, 2008

BY FACSIMILE

Honorable Loretta A. Preska
United States District Judge
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007

USDC SDNY
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Re: Henry v. Annetts, 08 CV 286 (LAP)

Dear Judge Preska:

This office has just received a request for representation from defendant Cardarelli, who the docket indicates was served on July 9, 2008.

In the interests of efficiency, and because the same defenses apply and defendant Cardarelli is willing to waive any defects in service, this letter is sent to respectfully request that the Court enter an Order extending Cardarelli's time to respond to the complaint nunc pro tunc as necessary, and allowing defendant Cardarelli to respond to the complaint by now joining in the June 12, 2008 Motion to Dismiss previously submitted on behalf of defendants Annetts, Acevedo and Daniels

SO ORDERED

Loretta A. Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

August 20, 2008

cc. Paul Henry, plaintiff pro se

Respectfully,

Daniel Schulze

Daniel Schulze
Assistant Attorney General
(212) 416-6557

¹It is noted that Chief Judge Wood dismissed plaintiff's original complaint against Cardarelli sua sponte on grounds identical to those set forth in the referenced motion.